

Remarks

The applicant has carefully reviewed the Office Action and along with the above-described amendments, present the following remarks in support of the allowability of the claims. The Office's consideration is respectfully requested.

At the onset, the applicant wishes to appeal to the Patent Office with regards to the practice exemplified in this Office Action. The applicant certainly acquiesces that the technology as well as the invention is technically complex and as such, is quite sympathetic as to the time required to properly examine the case. However, a considerable time was also necessary to comb through this lengthy Office Action which, for the most part, cited very irrelevant pieces of art in a manner that the applicant respectfully submits is almost abusive of the lenience being applied today as a result of the KSR Int'l Co ruling. In view of these issues, the applicant strongly believes that a telephone interview would be the most appropriate way to move forward with this case and as such, an interview request form is being submitted herewith.

Specification

The Office has indicated that the use of the trademark OUTLOOK has been noted in the application and that it should be capitalized wherein it appears. The applicant has found two instances in which the term was not capitalized (paragraphs 00007 and 00015). The substitute specification corrects this informality.

The Office has suggested a new title indicating that the term "accelerating" was misspelled as "accerrating". The applicant has requested an amendment according to the Office's request; however, the applicant wishes to point out that the title that appears in the application as filed and all of the accompanying documents was correct and did not include the misspelling. In

deed, the only occurrence of the misspelling of the title was in the filing receipt. Accordingly, the applicant submits a copy of the filing receipt with appropriate markings to request the issuance of a new filing receipt.

The applicant submits herewith a substitute specification. However, other than the corrections to the trademark usages as described above, the specification is identical in content and the only change is to add paragraph numbers. The applicant respectfully requests the Office to accept this specification.

Claim Rejections – 35 USC § 101

The Office has rejected claims 1-6 and 11 under 35 U.S.C. 101 stating that the claimed invention is directed to non-statutory subject matter. More specifically, the Office indicates that the system recited in the claims is directed towards software. The Office states that software that is not embodied on a computer readable medium is not statutory and further, that there is no support in the specification for a computer readable medium.

The applicant strongly disagrees. The Office supports its position by stating that the specification states that “the present invention may be a DLL OUTLOOK extension” Paragraph [00020] and then concludes that the claim is directed towards software because a DLL comprises software functions. The Office then states that there is no support in the specification for a computer-readable medium.

Contrary to the Office’s position, the applicant asserts that the specification fully supports the present invention being embodied on a medium including at paragraphs 00021 where it states that the DLLs are loaded with the application. This process of loading is well known in the art as the reading of the software from on computer-readable medium (such as a CD), by a computer, into another computer-readable medium (such as RAM).

In addition, the applicant is simply confused as to why the Office is making this rejection in that this is a system claim, not a method claim, which inherently incorporates structure into the claim. Nonetheless, claims 1 and 11 have been amended to more specifically show that the system claim includes such structure. The claims have been amended to indicate that the client module resides in a portable device or client computer and thus, the claims include the physical structure. Further, the domain module is also included in the claims and the domain module can be a physical unit such as a server or reside in an NT machine.

Thus, the applicant respectfully asserts that the rejections of claims 1 and 11 under 35 USC 101 has been overcome, and hence it follows that the rejection of dependent claims 2-6 are also overcome.

Claim Rejections – 35 USC § 103

The Office has rejected claims 1 and 3-6 under 35 USC 103(a) as being unpatentable over United States Patent Number 6,578,054 awarded to Hopmann in view of United States Patent Number 6,760,754 awarded to Isaacs, United States Patent Number 5,826,269 awarded to Hussey and United States Patent Number 6,574,617 awarded to Immerman et al.

With regards to claim 1, the Office asserts that Hopmann discloses a system for enabling the exchange of data between at least one remote user having a client application program (referring specifically to Figure 1A) running in an off-line mode and a server communicatively coupled to the application program over a network. The applicant respectfully disagrees.

Hopmann discloses a system for enabling a user to work with a client application while the client application is in an off-line mode by adding a local cache (local store 200). This is not the same as enabling a remote client application that is operating off-line to work with a server application residing on a server.

Hopmann states that when the client is connected, or online, data transferred directly to or from the connected server may also be stored in the local store 200. When the client switches to an off-line mode of operation, the client manipulates and works on data that is stored in the local store 200 rather than stored at the server. Thus, in the off-line mode of operation, the data transfer is only executed between the client application and the local store 200. These off-line

data transactions do not reach the server while the client application is off-line. When the client application is connected again with the server (online) a synchronization process is executed and the data transactions that were executed during the off-line operation are then, and only then, transferred to the server as part of the synchronization.

This is further illustrated by examining several passages in the Hopmann reference:

“...When client 140 is off-line with servers 100, all data operations, such as read requests, write requests, delete requests and other communication generated for accessing or manipulating a resource is communicated between client 140 and local stored 200.” *Column 7 lines 60 to 65*

“...As such, when client 140 is off-line, it can obtain the data cached in local store 200 in a similar way as if client 140 were on-line with any one of the servers within the cloud of servers 100, such as server 110, and obtained the data directly from server 110.” *Column 8 lines 18 to 23*

“...Therefore, local store 200 is involved in all communication with servers 100 while client 140 is on-line and all read requests, write requests, or any other communication generated for accessing or manipulating a resource while the client is off-line”
Column 8 lines 34 to 38

Furthermore, FIG. 5 in Hopmann’s patent includes a flowchart in which Hopmann depicts data operations that occur when the client application is in off-line mode. It can be seen that when the client application is **in the off-line mode**, the data operations are executed **between the client application and the local cache** but not with the servers as it is depict in **steps 505 to 520**. This is further supported in the text of Hopmann which states:

“For purposes of illustration, it is presumed that the client begins off-line at decision block 505, which 505 inquires as to whether the client desires to modify a resource. If the client does not desire to modify the resource, then processing proceeds to decision block 525. Otherwise, the client requests and obtains a resource in step 510. Because a presumption is being made that the client is off-line, the client obtains the copy of the requested resource stored in the local store associated with the client in step 510, if such a copy is stored locally. If the resource is not yet cached in the local store, an error is displayed and processing returns to decision block 505. The client modifies the resource in step 515 and it is cached in step 520” *Column 12 lines 56 to 59*

Hopmann also describes that when a data transaction with the server is needed, it can be executed only when the client application is online again. This is depicted in steps 535 and 537 of Fig. 5 and is found in the specification of Hopmann as well:

“After the resource is cached in step 520, decision block 535 inquires as to whether the client is on-line. If it is not on-line, decision block 537 asks whether the client desires to upload the resource to the server. Processing returns to decision block 505 if the resource is not to be uploaded. Otherwise, processing remains in a loop between decision blocks 535 and 537 until the client is on-line with the server” *Column 13 lines 20 to 27*

Thus, Hopmann actually teaches away from the current application by describing a solution that uses a cache to store transactions that occur off-line and employing a synchronization process when the application returns to an online state rather than providing a mechanism to exchange data with a server while the application is off-line. Hopmann teaches a

local cache method for enabling a client application that is operating **in off-line mode** by transferring data between the **client application and the cache**. Therefore, Hopmann fails to describe, teach or suggest a system that enables the transfer of data between a client application running in an off-line mode and a server. In view of this argument, the applicant respectfully asserts that the original claim 1, and much more now the amended independent claim 1 and its dependent claims 2 to 6 are allowable.

The Office has rejected claims 2 under 35 USC 103(a) as being unpatentable over United States Patent Number 6,578,054 awarded to Hopmann in view of United States Patent Number 6,760,754 awarded to Isaacs, United States Patent Number 5,826,269 awarded to Hussey and United States Patent Number 6,574,617 awarded to Immerman et al. and further in view of United States Patent Number 6,134,432 to Holmes et al.

With regards to claim 2, claim 2 is a dependent claim depending from allowable claim 1 and therefore is also allowable.

The Office has rejected claims 7 and 8 under 35 USC 103(a) as being unpatentable over Immerman in view of United States Patent Number 5,586,260 to Hu, Hopmann, Holmes and Hussey.

With regards to claim 7, the Office alleges that Immerman discloses a method in which a log-in process is executed each time a browser application starts a connection with a server. More specifically, the Office asserts that Immerman describes the step of sending a login request from at least one of the plurality of remote clients to a domain module stating that the “Service manager 218 presents an interface for setting a password on the local services ID 210. The act

of setting that password effectively password protects password database 216, requiring the end user at browser 244 to provide that password to service manager 218 every time it starts before it can access database 216.” *Page 12 lines 7-11 of Office Action.*

As is well know, a typical browser application starts a connection with a server only in an on-line mode. Therefore Immerman fails to teach or suggest that the amended claim 7, in which the claimed method comprises a step of “... sending a login request from at least one of the plurality of remote email application programs operating **in off-line mode** to the domain module, wherein the domain module is connected locally to the domain ...”

Because at least this element of original claim 7, as well as amended claim 7 is not disclosed by any of the prior art, the applicant respectfully asserts that amended independent claim 7 and its dependent claims 8-10 are allowable.

Furthermore, the Office asserts that the service manager 218 in Immerman is the same as the domain module stating that “**The service manager 218** can be **thought of as the domain module** for which the user client provides the password to.” *Page 12 lines 16-17 of Office Action.*

The applicant respectfully disagrees with this position. Immerman describes the **service manager 218 as part of the client side 200** as illustrated in FIG. 6 and FIG. 9. In addition, Immerman describes:

“**Client 200 includes** directories <pdir>/<data>/<namespace> 204 into which subscription user identifier 206 is stored, subscription ACLs 203, and file directory <pdir>/<data>/ 208 into which local services ID 210 is stored; databases local names.nsf 212, local mail.box 214, and password.db 216; **service manager 218**, including synchronization task 220, HTTP 222, index 224, agent 226 and custom 228; browser 244, including download page 230

and application page 244; subscription links desktop 252, start menu 256, driver tray 258 and uninstall 246. Download page 230 includes parameters from configuration document 232 (which is the client side 200 rendition of offline configuration document 138), download element 234 (the client side rendition of download control 146 for ActiveX or plug in, as the case may be). Application page 238 includes Java script status 240 including client side rendition 241 of web control plug in or ActiveX 133 and the client side rendition 242 of time zone Java script 134”

Column 12 lines 25 to 43 of Immerman.

The applicant asserts that service manager 218 cannot be analogues to the domain module of amended claim 7. The service manager 218 is part of the client side 200, and therefore the service manager 218 is remotely connected to the server only when the client is remotely connected to the server. Thus, Immerman fails to disclose a feature of the domain module as it is recited in claim 7, namely that the domain module is connected locally to the domain.

In addition, because Immerman fails to teach or suggest that service manager 218 is in the domain of the email server (i.e., Immerman asserts that the service manager 218 is in the client side 200) it also follows that the service manger 218 **cannot impersonate the remote client as it is connected locally to the domain**. In Immerman, when the client is remotely connected, the service manager 218 is also remotely connected (both of them in the same side). Therefore, service manager 218 cannot execute at least another function of the claimed ‘domain module’ which includes *impersonating the remote email application program by logging into the server serving the remote email application program as it is connected locally to the domain...*”

Because at least these reasons, the applicant asserts that amended claim 7 is not described by any of the prior art and thus, the applicant asserts that amended independent claim 7 and its dependent claims 8 to 10 are allowable.

Finally, because the service manager 218 described in Immerman is in the client side 200, it cannot serve a plurality of other clients. Therefore, Immerman fails to teach or suggest a plurality of clients that are connected to the email server via a TCP/IP connection and that the domain module, as recited in the preamble of the amended claim 7, provides a method for exchanging data between **a plurality of remote users**, each remote user has a portable device running an email application program in an off-line mode, and a server in a domain which is connected to the remote portable device **over a TCP/IP network and a domain module**.

Because Immerman fails to describe, teach or suggest several elements of claim 7, as well as the environment set forth in the preamble of amended claim 7, the applicant respectfully asserts that amended independent claim 7 and its dependent claims 8 to 10 are allowable.

The Office has rejected claims 9 and 10 under 35 USC 103(a) as being unpatentable over Immerman, Hu, Hopmann, Holmes and Hussey and further in view of United States Patent Number 6,401,110 to Boyer et al.

With regards to claims 9 and 10, claims 9 and 10 are dependent claims from allowable claim 7 and therefore are also allowable.

The Office has rejected claim 11 under 35 USC 103(a) as being unpatentable over Holmes in view of Hopmann, Boyer, Immerman and United States Patent Number 6,697,844 awarded to Chan et al.

With regards to claim 11, the Office alleges that Holmes discloses a system for enhancing perceived throughput between a plurality of remote clients running an application (*referring to the abstract diagram showing, “clients running a compatible email Suite) in a domain which is connected to the remote clients over a TCP/IP network, (referring to Col 3, lines 1-5)*

The applicant respectfully disagrees with the Office. The preamble of amended claim 11 recites a system for enhancing perceived throughput between a plurality of remote users, each remote user having a remote portable device which runs an OUTLOOK application in an off-line mode and communicates over a TCP/IP connection with an exchange server in a domain.

The remote client in claim 11 thus communicates over a TCP/IP connection with the email server. However, Holmes describes a Gateway 110 that is connected over a TCP/IP connection and not the remote client. The Office supports its assertion by relying on only the end portion of paragraph cited in Holmes, however in the beginning of the paragraph, Holmes describes **the gateway 101** as being connected to the Internet 140 (and/or other equivalent public or private data network) via line 141, which in one embodiment may comprise a DDS leased line, a standard telephone line, or equivalent, using any type of transport protocol (e.g., **TCP/IP**, etc.). Further, Holmes states that **the gateway 101** may also be connected to a local area network (LAN) 120 via an X.25 dedicated circuit, **a dial-up TCP/IP connection**, or the like (161), using any type of transport and connection protocol, such as generic bulletin message protocol (GMP), telelocator application protocol (TAP), SMTP, etc., and that the gateway 101 may be connected to the LAN 120 via an access server 125. Col. 2 line 65 to co. 3 line 5

In addition, Holmes teaches that only the local clients 121, the ones that are connected to the LAN 120 (the domain) communicate over TCP/IP.

“With reference to FIG. 1, in one embodiment, the access server 125 and clients 121 operate as three general components in a client/server architecture. The basic components include the access server 125 itself, as well as a client administration tool that operates on a client 121 and a server administration tool that operates on the access server 125. **The server 125 and clients 121 may communicate with one another via RPC calls over the LAN 120, such as through the TCP/IP protocol, or any other suitable protocol**” *column 19 lines 7 to 16*

Throughout the entire disclosure, Holms does not mention that the remote client 130 communicate over TCP/IP connection. Rather, Homes describes that the communication between the remote client 130 and the gateway 110 is based on a standard Short Message Service Center (SMSC) as is clarified in the following passage:

“With reference to FIG. 1, an overall configuration 100 is shown. The network operator components 110 may include **a standard Short Message Service Center (SMSC) 102** module as well as a switch 103 **for communicating to and from the transmission towers 131, and hence the mobile phones 130**. The functionality performed by the present invention may be included within the gateway 101, which may also form part of the network operator components 110” *Col. 2 lines 46 to 54*

Furthermore, the Office mistakenly imputes features of local users 121 that are connected to LAN 120 (the domain) onto the remote client when in fact, there is no support, suggestion or description thereof. For instance, in the Office Action the Office states:

“...said system comprising: a client logical module **for each remote client, (Since Figure 10 shows that the user has the function of using credentials, the client has a logical module)** the client logical modules being adapted to: **receive credentials for a user of the remote client; (Figure 10, “login with username and password”)**”

The applicant respectfully disagrees with the Office’s assertion. In FIG. 10, Holmes describes the operation of a local user 121 connected to the domain 120 and not the remote user 130. This is further supported in Holmes specification as follows:

“With reference to FIG. 10, the steps described below illustrate the process **involved with a client’s 121** connection **to the gateway 101** to receive waiting messages, or replies.

[1001] POP3 connect request **from mail client 121**. INET service starts mail::MAIL object.

[1002] mail::MAIL exchanges POP3 username **and password with client 121**.

[1003-1004] mail::MAIL requests the MSISDN object from the manager::MSISDN object.

[1005-1006] manager::MSISDN retrieves the MSISDN from the MSISDN data store. manager::MSISDN returns either a MSISDN object, or an error. On error mail::MAIL reports and error to the client, and terminates the connection.

[1007-1008] mail::MAIL checks the password and profile for a mail service and resource limitations. If the target MSISDN has a mail service and not exceeded resource limits the transaction proceeds, otherwise an error is **returned to the client 121**.

[1009-1010] smtp::SMTP sends a complete message to manager::Router for transmission” *Col. 18 lines 19 to 40*

Thus, the applicant respectfully submits that reliance on Fig. 10 is not proper to impute characteristics onto the remote client 130.

Finally, FIG. 10 discloses a process between the Gateway 110 and the local client 121 as clearly described at column 18 and lines 20-21 (cited above). The client module in the amended claim 11 resides at the user portable device 130 and serves only its user. While the process shown in Fig. 10 and relied upon by the Office is executed by the gateway which is located far away from the client and serves a plurality of remote users 130. Therefore, gateway 110 is not analogues to the claimed client module.

Based at least upon the above-presented arguments, the applicant respectfully asserts that Holmes fails to describe, suggest or teach several elements of the invention as recited in claim 11. Namely, Holmes does not describe:

(1) a system for enhancing perceived throughput between a plurality of remote users, each remote user having a portable device which running an OUTLOOK application in an offline mode and **communicates over a TCP/IP connection with** an exchange server in a domain, said system comprising”

(2) A client logical module **installed in the portable device** in association with the OUTLOOK application and the network

(3) A client logical module that is adapted to **receive credentials for a user of the remote portable device;**

(4) A client logical module adapted to **receive outgoing messages from a remote client outbox**, while the OUTLOOK application is operating in an off-line mode, and to transfer the outgoing messages **over the TCP/IP network** to the domain module; and ”

Because Holmes fails to describe, teach or suggest these features of the preamble and the claim, the applicant respectfully asserts that amended independent claim 11 is allowable.

To overcome other deficiencies of Holmes the Office relies on the Hopmann. However, the applicant asserts that the arguments presented in support of allowing claim 1 are also applicable for the allowance of claim 11.

Thus, the applicant respectfully asserts that claim 11 is allowable over the cited art.

The Office has rejected claims 12, 15 and 16 under 35 USC 103(a) as being unpatentable over Immerman, Creswell, and Boyer and United States application 20030053448 in the name of Craig.

With regards to claim 12, the Office asserts that Immerman describes a method for exchanging data between a remote client running an application program in an off-line mode by relying on the text appearing at column 19, lines 30-35 which describes utilizing applications offline and synchronizing changes, and a server operating within a domain.

The applicant respectfully disagrees with the Office. The exact citation in Immerman at column 19 lines 30-35 reads:

“In accordance with the preferred embodiment of the invention, Domino Off-Line Services (DOLS) provides a way for browser **users to utilize Domino Web applications offline.** Using a browser, the user takes an application offline, makes changes, **and synchronizes those changes with the online application.**
...”

Immerman teaches a system that enables working offline; however, data exchange with the server (synchronization) is executed only with the online application and not with the offline application. This is very different than the environment and operation of the present invention, which as recited in claim 12 includes “exchanging data between a remote user having *a portable device* running an application program in an off-line mode, and a server operating within a domain to which the remote client is remotely communicatively coupled via a domain module that is connected locally to the domain ...”

Furthermore, the Office asserts that the element of “receiving credentials for a user of the remote client” is described in column 31 and lines 35-40 of Immerman, which states that “the user ... may be authenticated with name and password...”

The applicant asserts that the cited paragraph in Immerman is not relevant to the referred element of amended claim 12. The cited paragraph is part of the administrator process (Part III.B Administrator Process). In addition, the cited paragraph is part of sub-process (III.B.5 Control Access to Database: ACL & SSL). This is a more general paragraph that teaches SSL protocol as it is further written in Immerman:

“III.B.5 Control Access to Database: ACL & SSL

SSL is a security protocol that protects data by encrypting it as it passes between servers and web clients. **The administrator has three options** in allowing access to data over an SSL port: (1) anonymous access; (2) name and password access; and (3) access through client certificates. Depending on which of these types of access the server allows for the SSL port and what the database ACL allows, the user may access this database anonymously, may be authenticated with name and password authentication, or may use a client certificate” *Column 31 lines 29 to 40*

Thus, the applicant respectfully requests the Office to show how the above paragraph can be said to describe, teach or suggest the relevant limitation of claim 12 which recites “receiving credentials for the **remote user while the application is running in off line mode**”

Because Immerman fails to describe, teach or suggest the environment and operation set forth in the preamble of amended claim 12, as well as at least one of the elements of claim 12, the Office is respectfully requested to reconsider its position and to allow the amended claim 12 and its dependent claims 13-19.

In order to overcome Immerman’s deficiency, the Office also relies upon United States Patent Number 6,564,264 awarded to Creswell. The Office asserts that the element of detecting a message from the application program that is directed to the server, and detecting the reception of the message is described in claim 1 of Creswell which recites: “detecting... information ... in outgoing messages from the user and incoming messages to the user”, in which the server detects the information...”.

More precisely, the language in claim 1 of Creswell states:

“A system for automatically updating address information for outgoing messages from a user, and incoming messages to a user, **in a communication network**, comprising: **network means for exchanging messages** including address information between or among the users; **a message server coupled to the network for detecting erroneous or unknown address information in outgoing messages from the user and incoming messages to the user**; search means for providing correct/alternative or new address information in both the outgoing and incoming messages in response to the message server, the search means comprising databases in the network accessible for search purposes to provide the correct/alternative or new address information for both

outgoing messages from the user and incoming messages to the user; and a search server coupled to the message server for accessing the databases to correct erroneous or provide new address information”

Creswell does not describe, teach or suggest that the client application is running off-line as required in claim 12.

Rather, Creswell teaches that the message server is a network device and therefore it may get messages that were already sent to the network.

“In FIG. 1, a system and apparatus 10 includes a plurality of users U.sub.11 . . . U.sub.n connected to a communication network 12, e.g., telephone (wire or wireless); CATV; Internet (IP), and intranet handling voice, fax, data, multimedia, and electronic messages exchanged between the Users. **Electronic messages may be provided to the network by any terminal device** including a PC 13; telephone 14; wireless handset 15; fax machine 17; paging device 18, etc. Electronic messages are transmitted and received from different media in the customary format. **A standard server 20 serves as message server and processes the electronic messages exchanged between the users using standard message format and protocols.**” *Column 3 lines 22-36 of Creswell*

A common terminal sends messages to the network only in an on-line mode. In off-line mode, a common application does not send messages to the network. **There is no mention of the off-line mode in the entire Creswell reference.** Therefore, Creswell fails to describe, teach or suggest the cited element of amended claim 12.

Since Creswell fails to describe, teach or suggest the at least one of the elements of the amended claim 12, the Office is respectfully requested to reconsider its opinion and to allow the amended claim 12 and its dependent claims 13-19.

Therefore, the applicant has addressed each and every issued raised by the Office in the Office Action, either through an amendment to the claims, presenting an argument to traverse the Office's rejection, or both. The applicant respectfully submits that each of the pending claims is in condition for allowance and requests the Office's consideration and review.

If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

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